

AN
ARGUMENT
Shewing that 'tis Impossible for the
NATION
TO BE

Rid of the Grievances Occasioned by the great Numbers both of *Quacks* and *Empericks* in *Law* and *Physick*, without an utter Exterpation of both.

WITH
Proposals for a New Constitution.

Written after the manner of the Argument against the *Marshal* of the *Kings-Bench*, and *Warden* of the *Fleet*.

By way of Letter to a Member.

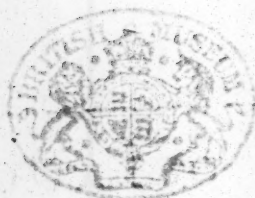
Cuncta prius tentenda.

Metamorph. Lib. 1.

*Read but his Book and Stool will follow,
As if you did his Bolus swallow.*

Saffold's Epitaph.

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TO
S^R JOHN BASHFORD
OF
Brass-Hall, Barr.

SIR,

THO' I have not the Honour of an Ac- Ded. p. 3.
quaintance with you, yet since I found
I. B. to an Argument in Print, that
seemed to Aim at nothing but the Publick good,
besides considering the softness of the style, the
strength of Argument, and the Masculine expres-
sions in it, I could conclude nothing less than that
your Polite Pen drew it.

It was because you were so great an Instance of Ded. p. 3.
the Oppression which the Gentry of England,
as well as the Tradesmen and Commonalty La-
bour under ; that I presumed to Affix your Name
to these Papers, which I am sure are wrote with
no other Design than to Advance the Publick Ad-
vantage,

The Epistle Dedicatory.

vantage, by endeavouring to suppress a Nest of Pestilent Vipers, who have stung, and been equally pernicious to all Ranks and Degrees of Men, except only those who have nothing to lose.

Ded. p. 3. *You know that the Glory of England consists in their Liberty and Property, I mean their Persons and Estates, which are the Pillars of the Government, and must be maintained and supported, but both are weakned and terribly shaken, the one by Quacks in Physick, and the other by Empericks in Law; of which I Question not but your own Experience can give the World some lively Instances.*

---Pudet hæc opprobria dici.

Ded. p. 5. *I shall not Instance in Trade or Credit, you have so feelingly described both, that I must concur with you in that Axiom you have laid down; That Credit is Necessary to Trade, especially when the Emptor wants Money to buy with, and if one shall happen to Trust a Knave (as Modestly speaking it is two to one but he does) who will not pay, not only his Profit, but his Prime cost is lost, as it was the case of a Periwigmaker that*

The Epistle Dedicatory.

that Trusted a Bar. of the Inner-Temple ; and the Wounds of Friends strike deeper, and are more fatal than those of Open Enemies.

What I hear shall Indeaour to expose (and Ded. p. 6.
I hope the Parliament, that August Assembly, will Apply a Remedy) is those two publick Nuisances of Quacks in Physick, and Pettifoggers in Law; who by Colour of Practising the two Noblest Professions and Sciences, are the greatest Oppressors, or Invaders of our Liberty and Property (the greatest Blessings of the Subject) by their Villainy, Ignorance, Extortion; and Impudence.

I hope your goodness will Apologize for this Confidence of mine, but I could prefix no other Name, considering that it was your Penetrating Judgment that Dissipated those Opacous Shadows that clouded our Courts of Justice, and blinded the faculties of our Patriotical Lawyers; 'tis your Corinthian Countenance alone that could Confront that Leviathan, that eat up the Laws as a Scholar would a Commons; 'twas you alone, that out of a Publick Spirit in this Noble field, Summoned to our Aid all the faculties both of your Body and Mind, your Wit, your Judgment, your Law, your Manly Strength and
Courage,

The Epistle Dedicatory.

Courage, against this Great and Common Enemy.

Sir, It is you alone may properly be said to have discovered these Mysteries of iniquity, and given us a Key to these secluse and Inscrutable Mysteries of Marshals and Gaolers, and Clipt the Wings of these Dragons.

In a Word, 'tis you alone, that have effectually Employed your Incomparable Cerebellum in Diving into these Obstruse Dungbills, and Raking into those Noisom places, with your penetrating Judgment, like a Mathematical Telescope, for one born in a Dungeon could not have gone deeper, or bred up in a Goal, discovered their Villainies and Exactions better.

I could wish, and really the World may justly expect, it from your Mercurial head and Calcin'd Brain, that since you have afforded the publick this Project, you would likewise assist the State with your Politicks; whereby they will be convinced, that you are a Great Projector, a Profound Polititian, as well as a Patriotical Lawyer.

I am, Sir,

Your Humble Servant.

Johannes Ponteus.

A N

ARGUMENT

Shewing that 'tis Impossible for the Nation to be rid of the Grievances, occasioned by the great Numbers of Quacks and Empiricks, both in Law and Physick, without an utter extirpation of both.

SIR,

S Ince I am informed that the Grand Inquest of the Nation hath resolved once more to take into consideration the publick Abuses and Grievances, I thought it my Duty, as an English Man, (who by Birth-right am Intituled to all the Benefits of the Noblest Constitution, if I had not been deceived by Wh---rs, and what is worse, afterwards abused by Clap-Doctors) to offer my sentiments in order to have those Grievances redressed, for there can be no greater scandal to a Government than to suffer it self to be thus Wounded in the Vital Part, I shall not entertain you any longer upon a Subject which is so obvious to common View, when there are so many Decollated Members, and flat Faces, that I think you need no other

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ther Demonstration ; I shall therefore only let you see what a late Act of Parliament does expressly let forth in the Preamble ; Stat. 14, 15, H. 8. Cap. 5.

And forasmuch that the making of the said Corporation is Meritorious and very good for the Commonwealth of this Realm, it is therefore expedient and necessary to provide that no Person of the said Politick Body and Commonalty aforesaid, be suffered to exercise and practise Physick, but only those Persons that be profound, sad and Discreet, groundedly Learned, and deeply Studied in Physick.

Arg. p. 2.

And, Sir, I am sorry to say that such a fatality should attend the persons of great Numbers of his Majesties Subjects ; that even the good intent of the Statutes, seems to be wholly Eluded. The weekly Bills of Mortality do abundantly testify the truth of this Assertion, so that all the mighty advantages, which that Act was thought to produce, prove imperfect and abortive, and our great expectations dwindled into air ; for if the pretended Physician does but subscribe himself of the Colledge of Physicians and Graduate in the University, he is expressly excepted out of that Statute, and by this means, and Posting up their Bills at every

very Corner, how many pretty young Gentlemen are drawn into their Powdering Tubs, that never get whole out again.

I cannot omit to let you know, that before this time the *Morbus Neapolitanus* was got into these Kingdoms, for it succeeded the British Pox, our Legislature thought it high time to Apply a Cataplasm to so inveterate a Canker by erecting a Barrier against so Potent an Enemy, which they did by the Statute, 3 H. 8. Cap. 11. The Preamble of which says,

That for as much as the Science and cunning of Physick and Surgery, is daily within this Realm exercised by a great multitude of ignorant Persons, of whom the greater part have no manner of insight in the same, or in any other kind of Learning, some also can no Letters on the Book Read, so far forth that common Artificers as Smiths, Weavers, and Women boldly and accustomedly take upon them great Cures, and things of great difficulty, in which they partly use Sorcery and Witchcraft, &c.

I shall not need here to Comment upon the Text, to tell you how Women are common Artificers within the Letter of this Law, or what it was that did so much conduce to

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the great Infamy of the faculty , but describe the Grievous hurt , damage and destruction of many of the King's Liege People , which the Statute chiefly complains off.

It happen'd then with many Young Gentlemen as it happen'd lately with a Barr. at Law, who having the Misfortune to light on a Frigot , which he had in his Cruize pick'd up, and brought to Port , through the Straits of *Mytre Court*, and laid her up in his Cubicle, and had all that Night the satisfaction of Solacing himself in the Cabin of his Prize, but *Prob Dolor* ! about Ten Days after , it proved a Fireship, that set fire to his Boltiplit, and he to secure his Tarr-barrel , presently applies himself to Famous Dr. *W-----* a Disciple of *Saffolds*, who had a *Panacea* that Cured all Distempers ; but whether mistaking the Constitution of his Patient , or for want of *Skill*, *Sadness* , and *Profundity* , or whether he used Sorcery and Witchcraft, as the Statute describes (for had you see him Poor Gentleman , you would have sworn he was bewitch'd.) The Lawyer grew worse and worse; for notwithstanding his Purging, Vomiting, Smoaking

Smoaking, Scraping, Injecting and Salivating, the Fire increased, and every part began to be in a Flame: In short all the *Aqua Tetrachimagogon*, between *Waping* and *Westminster*, was not able to Wash it out, so that it was with his Body Natural, as it was with your Body Politick, pag. 2. where the Malignant distemper which had long raged in the *Bowels* was not now in its Infancy; It was grown up, and was arrived at its full strength and Vigour, and was radicated in the blood, and now does maintain its Post, Bravado like; and bids Defiance to the feeble Arts of Vulgar Physick; what then is to be done to stop the Progress of this Inveterate Cancer, why they must pursue ^{Arg. p. 3.} the same Methods in this mighty Cure, as some Physicians use in Chronical Diseases, where all the Nervous Juices, and the whole Mass of Blood is Corrupted (viz.) A Thorough Flux, that the whole Malignancy may be rooted out, and a new stream of blood run in fresh and untainted Channels; for I am of Opinion, that all other Remedies will be but patching; we may be eased a While from Pain, but the rank Poison still remains, and will soon get head again, in spite of all these Temporary Applications.

Pardon me if I have used your own Words,

for you have described it so naturally, that the best Physician, who wanted your Experience, unless he had it by instinct, could not have done it better.

But now, Sir, I shall want your Pen, your Parts, and your Experience, to display all the mischiefs that attended the Ignorance of this Quack ; I will only mention three or four, and first by this means he was confined of his Liberty against the express Words of the *Habeas Corpus* Act, and what was worse, it was thought by the most Judicious, that a Writ *de Homine Replegiando* would not lie in this Case, but only a *Corpus cum causa*.

Secondly, He was not only forced to swallow ten dozen of your *Pilula Auria*, your *Mercurius dulcis*, *Calomeli Salvitriale*, *sal volatile Oliosum*, but also to apply *Cataplasms*, *Fomentations*, *Unctions*, *Injections*, *Cum Multis aliis*, &c.

Thirdly, He lost a whole Terms practice, and was strangely worsted in his Circuit, being disappointed at *Winchester*, slighted at *Salisbury*, rejected at *Dorchester*, repulsed at *Exeter*, and Laughed at in *Taunton* ; he was forced to retire to *Bath*, to be Cured of the

the Scab, where we will leave him for a while making Court to a young Lady (but with his Gloves on.)

Now, Sir, to come to the main point, in or- Arg. p. 3.
der for redress, I take the first step towards it, to be an Inquiry into the cause that prevents the good designs of those Statutes, which I take to a clause in a subsequent Statute, viz. Stat. 32. H. 8. c. 42.

And be it further enacted, that no manner of Person, within the City of London, or Suburbs, of the same, using any Barbery, or Shaving, or that hereafter shall use any Barbery, or Shaving, he, nor they, nor none other for them, to his, or their use, shall Occupy any Surgery, Letting of Blood, or any other thing belonging to Surgery; (Drawing of Teeth only excepted.) And farther- more, in like manner, whosoever useth the Craft or Mystery of Surgery within London, as long as he shall fortune to use the said Mystery or Craft of Surgery, shall in no wise Occupy, nor exercise the Feat, or Craft of Barbery, or Shaving, neither by himself, nor by none other for him, to his or their use, &c.

It would admit of a Dispute, whether the Use mentioned in this Statute be within the Statute of Uses, but I leave that to the
Learned

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Learned Mooters, before Littleton, and Cook; but to return to our business, after this small Digression, for I labour to be short,
 ARG. P. 21. This unfortunate Act of Parliament commits a Violence on it self, seems to be a *felo de se*, and by a fatal Contradiction gives its own Heart a Mortal Wound, besides, it renders the former Acts Ineffectual: For suppose that the Malignant Distemper should get head (as you know 'tis Possible) so as some, or one Member is so Mortified, as its necessary to have his Nose, or Penis, saved, or suppose the Prepulium must be Circumcised an Inch deeper, than the Levitical Law did require, how can this be done, if a Surgeon must not shave, nor a Barber use Surgery, *Sed Immedicabile Vulnus ense recidendum est*, certainly a great Mist clouded their understandings, for every Vulgar Eye might with the first glance have discovered the Weakness of this Act which is made in direct Opposition of its design; this is the reverse and Antipodes of the other Statutes, and are no more reconcilable, than the North and Southern Poles; But (as you Wisely Observe) Acts ought to be ground upon the most solid and refined reason imaginable; a Reason acquired by a long Study, Observation and Experience, and I may boldly say,
 P. 12.
 P. 7. that

that had our Gentleman, we left last at Bath, had the Penning of this Act, he would have Omitted this Clause. Now for the redress of this mischief, I think that it is fit the Legislature should be called on for aid, to repeal this Clause, and in the next place, that some Law may be made to promote that Righteous and Holy Act of Marriage, for what for want of a Settlement, many good Matches are broke off, and it is hard a Man should be punished for having no Estate; I will give you a lively Instance of what difficulties a Gentleman had in his Amours, and notwithstanding he was a Man Active indeed, and pushed forward for Matrimony, wanted neither Assurance nor Personal Endowments; for from the Crown of his head, to the Sole of his Feet, he was observable; his Hat was of a Rotund Figure, and the Crown of it Capacious suitable to the Contents, his Forehead was lofty, and indeed he was all Effrontery, his Eyes were Quick and Lively, and Mathematical in their positions, the one Rect, the other Oblique (as a late Learned Author looked when he was Characterising the Judges of the last, and the present Reign) his Nose Oblong, his Mouth Opacous, his Chin

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Chin Obtuse, and in a Word his Face Oval, his Arms long, his Hands Brocarded, or rather Imbroidered, his Body Erect, his Legs equal, and his Feet exact, and did watch the Motions of his Eyes ; besides he was well proportioned, his Wig puffed, his Face painted, his Cloths perfumed, his Anteriors powdered, and his Pedestals Polished. Thus Accomplished and accoutred, he sallies into the City, and makes an Attack upon a Fair Virgin , and carries with him, as his great Artillery, a Grant of the Office of *Custos Castri de T.* wherewith to Jointure her, after many soft Expressions , Winning Looks, and pretty Passages, he had prepared his Battery, he fires upon her , and tells her, he was *Custos Castri de T* : This so frightened her at first , that she apprehending he had said he was *Agnes de Castro*, that he was forced to use all his Eloquence to stop her, until he had undeceived her ; but she told him she would consider of it , and so dismissed him, with a Gracious Congee, and he was not wanting to Return it (having Learned to Dance) with an Obsequious Devoir. The Lady Consulted in the mean while a *Patriotical Lawyer*, who told her,

her, *Custos Castri* was Latin for a Gaoler, and that if it should be settled on her for a Jointure, there would be a double danger, the one in Case she should be a Widow, she could not Marry the Man she had a Mind to, if he happen'd to be a Prisoner, but the Law would adjudge him out of Prison, for he cannot be in Ward to his Wife (as he ought to be) for there would be an escape in Law, and a forfeiture of her Jointure, the other is in case this Office should descend to her Son and Heir, being at that time Imprisoned there; Now the Law adjudges him to be immediately at large, though he has fetters on his Feet, because he cannot keep himself in Prison, *Plowden fol. 37.* For these and other weighty Reasons, this young Gentleman, the next approach he made, was repulsed notwithstanding he was Active and pushed forward for Matrimony. And is it not hard that he should be punished for a Righteous and Holy Act.

Now as it is necessary to repeal this Clause, so it is as highly necessary that the Assistance of the Legislature should be employed to correct the Daring insolency and Villainy of other Men, as well as the ignorance and Impudennce of the former: and though it is necessary that

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a Surgeon should be a Barber; yet it is not necessary that a *Barri.* should be a *Beau*, a Pleader a Physician, an Attorney an Apothecary, for I could wish we had that Parliament you so ingeniously describe, pag. 12. *that Immortal and Prophetick Parliament.* And since I chance to mention that Generous and Heroick Senate; I cannot forbear making this short Observation. It was Cassandra like; theirs and the whole Nations Unspeakable Calamity, not to be beleived, for which stubborn and vastly Pernitious, and only not fatal Blindness of the Church (for there it went) what a Chain of Horrors, Darknes and Confusions, did ensue; what a Scene of Tragical Tyrannies and Depredations were every where Displaid throughout the British Isle. Our Civil Rights were lost and intirely swallowed up by that voracious Monster called Prerogative of the Crown, and our Religious ones were reduced to the very Brink and Precipice of destruction; but when the Church looked down and saw the great Abyss in which they were Eternally to sink, then they cryed out for Help, and Providence brought them an Assistant, which hath ('tis true) redeemed us, but not without the expence of Millions of Sacrifices offered up, not of beasts, as those of the Antients were;

were ; but of the Noblest Humane Blood and Treasure , This was such a Rapture of thought that one would have guessed you had been as high as ever St. Paul was, for it goes a Barrs length beyond all the Phantasms of Patmos ; for you have described it in a more Noble and Divine Style. Pardon me if only for my own better Information , I only ask of you two or three Questions ; for that our Sublunary Judgments and Understandings are not able to penetrate into these sublime and lofty Inspirations : And first , Sir , will you let us know, in the second part of your Argument, by way of Appendix, what is become of that *Immortal and Prophetick Parliament, that Heroick and Generous Senate* ; for I cannot guess where their Immortality is put, unless in that *Eternal Abyss in which the Church was to have Dropt*, or what do you mean else by the Parenthesis (*there it went*). Next , Sir, what was that *Stubborn, vastly Pernicious, and Fatal Blind Church*, that you intend ? The Church at Corinth , or any of the seven Churches of Asia. And lastly, if that Voracious Monster called *Prerogative of the Crown*, or that *Terrible Leviathan*, that cracks

Arg.p.13.

the Sinews of the Body Politick, or Daniel's Dragon did eat Most. Sir, if you would but be pleased to satisfy the World in these particulars, by Printing them apart, or together, with your Judicious Argument made against that voracious Monster; in the Case of *le Roy and Tucker*, it would wonderfully satisfy the World, divert the Ingenious, and profit the Judicious.

Arg. p. 13.

But to pursue the Thread of my discourse, after this small Digression, I am of Opinion, that more Millions of Sacrifices have been offered up, of the Noblest Humane Blood and Treasure, to those two Impudent Monsters, Quacks in Physick, and Empericks in Law, than either of the three Monsters above mentioned. And now I will give an instance of the Latter.

The Triangular Case that you put, pag. 21. of *Johnson, Boulter, and Norwood, &c.* is something like a West Country Man that hath two Sons, and many Daughters, who may be included in the &c. But the Father, in his Castle, is a Gaoler, in the Town an Attorney, in the Country a Knave; his eldest Son in the City is a Beau, in the Temple a Barrister, and in the Country a Beau Pleader; his Youngest in the City is

a Cully, in the Country a Bully, and in Practice a Booby. Now is it not intolerable, nay insufferable, that one Family should have so many Professions, whilst other honest Men starve for want of that Stock of Assurance which these have, and of which they have made a Monopoly; and besides see the Consequence of this, the Father brings a Writ *de Libertatibus Castri sui Allocandis*, the eldest Son he Advises, Directs, Draws, and in short, is Council in General; the Youngest he Sollicites and Manages it, and it had done much Mischief, if the Lawyer had not hapned to sue out *licentia de Malo Lecti*, and lost a Term, and so it was discontinued.

I instance in this, because 'tis *Posterity I am* Arg. p. 14. *Labouring for; what if in Process of time a Deluge of Oppression and Tyranny should again overwhelm us? What if such a precious sett of Judges and Gaolers should be Trumpt up, as the late Reign produced? Why then a Custos Castri would have been as good as a Colonel of Foot, and a Council, or Sollicitor's place to the Gaol, not less than a Chaplains, or Surgeons.*

But to return to our Blade at Bath, he between

tween Bathing and Sweating, *Mercury* and *Sulphur*, *Corrosives* and *Cataplasms*, looked like a *Cynocephalus*, or *Scrofulus*, some thought he resembled the Bird on Bough, thin-favour-ed and Sharp, others the *Cokotoe* of *Surinam*; but for my part, I thought him most like *Rablais* his Goose-Neck, or that which the *Ganzas* dropt, when they carried *Don Rodrigo* from *Tenariff*, to the Moon; yet notwithstanding this, he still pursues his Amours, and the Relations of the Young Lady, fearing he should Basilisk-like kill her at the first sight, sends for her home, he not discouraged with that, took it for a Modest Invitation to follow her, which he was not wanting to do, but found so cold a Reception, that he was forced to Retreat, but left such Symptons in the Sheets, as put the Servants to the trouble of a separate Wash; upon this he retires to Mortify himself, and lives upon the slender nourishment of *Calomels*, *Panis Porcinus*, *Olibanum*, *Hypocystis*, *Mummya*, *Sassafras*, *Sarsaparilla*, *Radix Contrayerva*, *Rosalger*, &c. and is not seen, until at last he appears in Print.

To Conclude, I verily believe, that your voracious Monsters called the *Prerogative* of
the

the Crown, has more puzzled the Politicians, and your *Terrible Leviathan*, the *Patriotical Lawyers*, then the P-x has the Physicians, or the Red-Dragon in the Revelations (that had seven Heads and ten Horns) has the *Casuiſts*, to solve how many Horns he had on every Head.

Having thus made the way clear, through ARG-P. 21. untroden paths, and I hope given you convincing proofs, from some Repositories of our Law, that the Managment of these Professions is Diametrically opposite to the design and Reason of them, and wholly inconsistent with the Noble Frame of this our Constitution; I come now to offer my Humble Proposals for a New and Regular Establishment of these Professions, which are an Essential Part of the Common-Wealth.

1. First, That every one that has been Clapt or Fluxed shall not set up for a Doctor; no, though he has been thorough Fluxed, yet that shall not Intitle him to be a Saffold, or a High-German Doctor.

2. That Physicians shall distinguish between the Welch, and the French Pox, and between the Itch and the Scurvy.

3. That none shall expose, or vend the Famous *Aqua Tetrachimagon*, or presume
to

to Print or Publish Bills, or Affix them either to Post or Pillory, but such as are Graduates.

4. That a *Habeas Corpus cum Causa* shall be allowed to bring up the Party, in case he shall be restrained of his Liberty, or confined to the Powdering Tub above a Month, especially if it be Term time, and the Party be either Barr. or Att.

5. That there shall be a distinction in point of Honour between *Custos Castri*, and *Custos Gaolæ*.

6. That no Castles, Gaols, or Prisons, shall be settled by way of Jointures for fear of Escapes.

7. That though Chirurgeons may be allowed to be Barbers, yet no Barr. to be Beaus, Fortune-Hunters, Projectors, or Quack-Doctors.

Arg.p.28.

Sir, I shall sum-up all with this short Addition by way of Corollary, That 'tis visible to the World, what Prodigious Mischiefs accrue to the Common-wealth by these Caterpillars, and I hope we shall have another Antæus rise to Correct the Ignorance, Insolence, and Villainy, of this Infernal Crew, that seems to grapple with the Almighty Power of this Infernal Orb. And I am clearly of Opinion that the Mischiefs and Destructions, which daily arise from them are not less Dangerous to our Constitution, than a standing Army: and as the one is to be Disbanded, the other will be dissipated and confounded.

F I N I S.



